

IN THE MICHIGAN COURT OF APPEALS

ORDER

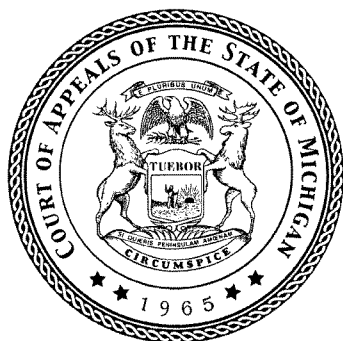
Re: **People of MI v Philip Michael Sinesio**

Docket No. **288459**

L.C. No. **03-013186 FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The application for leave to appeal filed on October 23, 2008, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the October 10, 2003 judgment of sentence as required by MCR 7.205(F)(3), nor was it filed within the requirements of MCR 7.205(F)(4). Further, *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005), does not have retroactive application. *Simmons v Kapture*, 516 F3d 450 (CA 6, 2008) and *People v Houlihan*, 480 Mich 1165 (2008).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 26 2008

Date

Sandra Schultz Mengel
Chief Clerk